



Dep BREF

Docket No.: 043888-0312

PATENT DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 06 APR -5 PM 2:55

In re Application of	:	Customer Number: 20277	US PATENT & TRADEMARK OFFICE
Takayuki SHIRANE, et al.	:	Confirmation Number: 9712	
Application No.: 10/826,389	:	Group Art Unit: 1745	
Filed: April 19, 2004	:	Examiner: Gregg Cantelmo	
For: SECONDARY BATTERY	:		

REQUEST FOR REFUND

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As agreed upon during an interview with Examiner Cantelmo, the amendment timely filed on November 30, 2005 (which properly traversed the finality of the previous Office Action) should have been entered and fully examined in view of the prematurity of the finality of the Office Action dated August 30, 2005. Subsequent to receiving the improper Advisory Action dated December 19, 2005, Applicants' representative initiated a telephone interview with Examiner Cantelmo during which Examiner Cantelmo agreed to withdraw the finality of the Office Action dated August 30, 2005 (thereby stopping the response clock on Applicants and placing the responsibility on the PTO to respond to the November 30, 2005 amendment), to enter and consider Applicants' amendment filed November 30, 2005; and to issue a new Office Action.

However, due to PTO error, the finality of the Office Action dated August 30, 2005 was never withdrawn and Applicants' representative did not receive the new Office Action (during

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Application No.: 10/826,389

the most recent interview, Examiner Cantelmo indicated that the new Office Action is now forthcoming). Applicants repeated inquiries to obtain the status of the new Office Action were not answered, so, to ensure the application was not abandoned, Applicants were forced to file a Notice of Appeal and a Petition for a three-month Extension of Time on February 28, 2006, with the corresponding fees which had to be paid solely because of the PTO error.

Accordingly, as agreed during the interview with Examiner Cantelmo, a refund in the amount of **\$1,070.00** is hereby requested in the above-identified application because the Notice of Appeal and Petition For Extension of Time filed to prevent the application from going abandoned was due solely to PTO error.

Please immediately credit Deposit Account number 500417 in this amount.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

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Date: April 4, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**

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Docket No.: 043888-0312

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277
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 Takayuki SHIRANE, et al. : Confirmation Number: 9712
 :
 Application No.: 10/826,389 : Group Art Unit: 1745
 :
 Filed: April 19, 2004 : Examiner: Gregg Cantelmo
 :
 For: SECONDARY BATTERY

**RECEIVED
CENTRAL FAX CENTER****FEB 28 2006****PETITION FOR EXTENSION OF TIME**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the time for response to the Office Action dated August 30, 2005, now due to expire November 30, 2005, be extended for three month(s) and set to expire on February 28, 2006.

Please charge the extension fee of \$570.00 (\$1,020.00 - \$450.00 = \$570.00, Two-Month Extension of Time, file August 18, 2005) to Deposit Account No. 500417. Please charge any additional fees or credit any overpayment to Deposit Account No. 500417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
 Registration No. 36,139

Please recognize our Customer No. 20277
 as our correspondence address.

Continuation of Possible Transmission
 I hereby certify that this paper is being transmitted
 to the Patent and Trademark Office
 on the date shown below.
 Matilda Mason
 02/28/2006

600 13th Street, N.W.
 Washington, DC 20005-3096
 Phone: 202.756.8000 MEF:MaM
 Facsimile: 202.756.8087
 Date: February 28, 2006

03/01/2006 NNGUYEN1 00000129 500417 10826389

02 FC:1253 570.00 DA

PAGE 3/5 * RCVD AT 2/28/2006 5:48:48 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/5 * DNS:2738300 * CSID:2027568087 * DURATION (mm-ss):01-22

Adjustment date: 04/18/2006 SDIRETA1
 03701/2006 NNGUYEN1 00000129 500417 10826389
 02 FC:1253 570.00 CR

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Docket No.: 043888-0312

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 20277
Takayuki SHIRANE, et al. : Confirmation Number: 9712
Application No.: 10/826,389 : Tech Center Art Unit: 1745
Filed: April 19, 2004 : Examiner: Gregg Cantelmo
For: SECONDARY BATTERY :

**RECEIVED
CENTRAL FAX CENTER
FEB 28 2006****NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 30, 2005 of
the Primary Examiner finally rejecting claims 1-3 and 5-14.

Appeal Fee: \$ \$500.00

- ☐ Not required (fee paid in prior appeal in this application).
☒ Charge to Deposit Account No. 500417.
☐ Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby
made. Please charge any shortage in fees due in connection with the filing of this paper,

03/01/2006 NNGUYEN1 00000129 500417 10826389

01 FC:1401 500.00 DA

PAGE 4/5 * RCVD AT 2/28/2006 5:48:48 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-1/5 * DNIS:2738300 * CSID:2027568087 * DURATION (mm-ss):01-22

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03/01/2006 NNGUYEN1 00000129 500417 10826389
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